

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

DAMON CHAPPELLE

**Plaintiff, : Civil Action - Law
: No. 11-0304**

v.

: (Judge Conner)

**DAVID VARANO, JOHN DUNN,
DEBORAH HERBST, MICHELLE
KODACK and RENEE FOULDS**

Defendants, :

Electronically Filed

**DEFENDANTS' MOTION FOR EXTRA TIME TO RESPOND
TO PLAINTIFF'S COUNTER STATEMENT OF FACTS AND
BRIEF IN OPPOSITION TO DEFENDANTS' SUMMARY
JUDGMENT MOTION**

AND NOW this 31st day of October 2012 comes the Defendants by and through their counsel of record who submits the following in support of the hereinafter request for relief:

1. Plaintiff filed this action alleging that he was held past his maximum sentence at SCI Coal Township in violation of his Eighth Amendment rights.
2. Discovery is closed and Defendants filed a Motion for Summary Judgment, a Statement of Material Facts in Support thereof, and a brief in support of the motion.

3. Plaintiff filed a response to Defendants' statement of material facts, a counterstatement of facts (consisting of over 180 factual assertions) and a brief in opposition to Defendants' motion on October 23, 2012 (doc. 49, 50, 51).

4. Defendants' reply brief, and response to Plaintiff's counterstatement of facts is due on or before November 9, 2012, pursuant to the applicable rules of court.

5. Defendants' counsel is in need of additional time to properly respond to Plaintiff's counterstatement of facts and to draft, complete, and file a reply brief to Plaintiff's brief in opposition due to Defendants' counsel's case load and the recent closing of counsel's office for two days based on the recent storm.

6. Defendants' counsel is requesting a one week extension of time from the Court to file a response to Plaintiff's counterstatement of facts and brief in opposition to Defendants' motion for summary judgment.

7. Plaintiff's counsel concurs with the granting of the current motion and the granting of same will not unduly prejudice the parties involved, or unnecessarily prolong the resolution of the current case.

WHEREFORE the Defendants' counsel respectfully requests that the time to file an answer to Plaintiff's counter statement of facts and a brief in reply to

Plaintiff's brief opposing Defendants' motion be extended for one week from November 9, 2012.

Respectfully submitted,

LINDA L. KELLY
Attorney General

By: s/Timothy P. Keating
TIMOTHY P. KEATING
Senior Deputy Attorney General
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Date: October 31, 2012

**Counsel for Varano, Dunn,
Herbst, Kodack, and Foulds**

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Defendants, :

CERTIFICATE OF SERVICE

I, Timothy P. Keating, Senior Deputy Attorney General for the Commonwealth of Pennsylvania, Office of Attorney General, hereby certify that on October 31, 2012 I caused to be served a true and correct copy of the foregoing document titled to:

VIA ELECTRONIC FILING

Jennifer J. Tobin, Esq.

718 Arch Street

Suite 304 South

Philadelphia, PA 19106

Attorney for plaintiff

s/Timothy P. Keating
TIMOTHY P. KEATING
Senior Deputy Attorney General